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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,384	05/17/2005	Jung Ho Back	2400/3	3698
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MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			EXAMINER PILKINGTON, JAMES	
			ART UNIT	PAPER NUMBER
			3656	
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			03/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,384

Applicant(s)

BAEK, JUNG HO

Examiner

JAMES PILKINGTON

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “first and second motors are installed on each side of a post” must be shown or the feature(s) canceled from the claim(s) (the drawings appear to show two motors installed on the same side of a post). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 and the specification does not described in such a way as to enable one skilled in the art to properly use the forward and backward movement groove. If the feeder is moving forward how does it switch into the backward movement groove? Does the change of direction portions of the grooves (ends of grooves) extend around the circumference of shaft or only between the ends of the two grooves? If the change of direction extends circumferential around the shaft what causes the engagement member 23 to engage either groove when it is in the change of direction groove (i.e. what biases 23 back into one of the movement grooves)?

The Applicant argues in the remarks filed 2/10/2009 that it is clear from Figures 1 and 2 that the grooves is a continuous or endless track. However, the specification does not contain any support for the grooves being "continuous" or "endless." The drawings appear to show an annular groove at the ends of the shaft and not a continuous groove. In particular, the ends of the grooves on the left Figure 1 appear to

show that the groove does extend all the way around since there is no end to the annular groove after the forward or backward groove connects with it.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "first and second motors are installed on each side of a post." It is not clear if there are 2 motors, one on each side of the post or if there are 4 motors, a first and a second on each side of the post, see drawing objection above as well.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Deidewig, USP 6,205,880, in view of Edelen, USP 5,219,391.

Deidewig discloses a transmission selector lever (10) and a shift lever (11) in which a conventional transmission drive system (C2/L54) with a fixing pin (13) of the selector lever and a fixing pin (14) of the shift lever (11).

Deidewig does not disclose the type of conventional transmission drive being used. In particular, Deidewig does not disclose one having a first and second motor installed in a post, a first shaft and a second shaft with forward and backward movement grooves, linearly moving feeders each having a connecting pin with a rectangular hole to connect to the fixing pin of the selector lever or shift lever.

Edelen discloses a conventional transmission drive that uses first and second motors (32/42) installed in a post (motor is attached to transmission components), a first shaft (moves 30) and a second shaft (moves 38) with forward and backward movement grooves (threading, allows for forward and backward movement depending on rotational direction of motor), linearly moving feeders (30 and 38) having a connector pin (base of feeder 30) with a rectangular hole to connect to a fixing pin.

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Deidewig and use the known actuating technique of a motor and rotary shaft drive system to actuator the gear change device, as taught by Edelen. Using the known technique of a motor and shaft drive for controlling the finger of a shift assembly with the linkage of Deidewig would have been obvious to one of ordinary skill.

Response to Arguments

8. Applicant's arguments filed 2/10/09 have been fully considered but they are not persuasive.
9. Regarding the rejection under 35 USC 112 1st paragraph: see comments above.

10. The Applicant argues that Edelen does not teach a connection pin that has a rectangular hole (page 7-8). The Applicant references the structure shown at 48 and 50 of Edelen.

However, the examiner is not relying on the elements 48 and 50 in Edelen in the rejection above. For the structure of the connector pin the above rejection references the bottom of feed block 30 of Edelen. Figure 2 shows that the bottom of feed 30 has a rectangular hole which receives the end of 19. This rectangular hole of Edelen is capable of receiving a fixing pin.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohmura, USP 4,535,642, discloses a "endless" groove.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/
Examiner, Art Unit 3656
3/19/09

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656

